

MINUTES OF A REGULAR MEETING
OF THE LAKE FOREST CITY COUNCIL

The regular meeting of the Lake Forest City Council held July 2, 2013 at the Lake Forest Council Chamber 25550 Commercentre Drive Lake Forest, California 92630 was called to order at 5:40 p.m.

ROLL CALL:

Council Members:	Peter Herzog Adam Nick Dwight Robinson
Mayor Pro Tem:	Kathryn McCullough
Mayor	Scott Voigts
City Manager:	Robert C. Dunek
City Attorney:	Scott C. Smith
City Clerk:	Stephanie D. Smith

RECESS: City Council recessed at 5:40 p.m. for the purpose of conducting Closed Session Business.

CLOSED SESSION

1. CONFERENCE WITH LEGAL COUNSEL –ANTICIPATED LITIGATION
Significant Exposure to Litigation Pursuant to Government Code Section 54956.9(d)(2)
Number of Cases: 1

2. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Pursuant to Government Code Section 54956.9(a)
Existing Litigation
Number of Cases: 1

Marla James, et al. v. United States of America, et al. (Case No. SACV 12-0280 (MLGx), U.S.D.C. Central District)

3. CONFERENCE WITH LABOR NEGOTIATORS
Pursuant to Government Code Section 54957.6
Agency designated representative: Mayor
Unrepresented employee: City Manager

ACTION: Conducted Closed Session.

RECESS: City Council recessed at 6:30 p.m. from Closed Session for the purpose of conducting regular City business.

RECONVENE: City Council reconvened at 7:00 p.m., with all Members present to continue regular City business.

PUBLIC SESSION

The Invocation was led by Mayor Voigts.

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance to the Flag of our Country was led by Council Member Herzog.

CLOSED SESSION REPORT: City Attorney stated there was no reportable action.

PRESENTATIONS:

4. CERTIFICATE OF APPRECIATION TO ALEX MCCLURE, MANAGEMENT SERVICES INTERN THROUGH EL TORO HIGH SCHOOL submitted by City Clerk.

MOTION: On motion by Council Member Herzog and second by Mayor Pro Tem McCullough, the City Council presented a Certificate of Appreciation to Alex McClure, El Toro High School Class of 2013, for his work in the City Clerk Division of the Management Services Department. MOTION UNANIMOUSLY CARRIED.

PUBLIC COMMENTS:

The following members of the public offered comments:

Dave Carter, Lake Forest resident, spoke on behalf of the Kiwanis Club and their work in supporting a Boys & Girls Club in Lake Forest.

Marcia Rudolph, Lake Forest resident and Vector Control representative addressed current vector activity.

Gregory Sprague, Lake Forest resident, asked Council for follow up on issues he presented in the past relative to city policies.

Bob Holtzclaw, Lake Forest resident, addressed street sweeping in his neighborhood.

Jim Gardner, Lake Forest resident, invited Council and residents to the Lake Forest 1 Community Association's Annual 4th of July event.

CONSENT CALENDAR - WARRANT REGISTER: (Item No. 5)

5. CERTIFICATION OF WARRANT REGISTER submitted by Director of Finance/City Treasurer.

MOTION: On motion by Council Member Robinson and second by Mayor Pro Tem McCullough, the City Council approved the warrant register in the amount of \$2,872,784.71 as submitted. MOTION CARRIED with Council Member Nick abstained on the warrant payable to Cummins & White, LLP.

CONSENT CALENDAR - MISCELLANEOUS: (Item Nos. 6 - 15)

MOTION: On motion by Council Member Robinson and second by Council Member Herzog, the City Council approved Consent Calendar Item Nos. *6, *8-14. MOTION CARRIED with Mayor Voigts abstained on Agenda Item No. 14.

- *6. WAIVE READING OF ORDINANCES AND RESOLUTIONS submitted by City Clerk.

ACTION: The City Council approved the reading, by title only, of all Ordinances and Resolutions. Said Ordinances and Resolutions which appear on the public agenda shall be determined to have been read by title and further reading waived.

- *8. ADOPTION OF ORDINANCE NO. 252 - AMENDING TITLE 9 REGARDING EMERGENCY SHELTERS AND TRANSITIONAL AND SUPPORTIVE HOUSING submitted by City Clerk.

ACTION: The City Council: 1. Conducted the second reading of Ordinance No. 252 entitled: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, AMENDING LAKE FOREST MUNICIPAL CODE SECTIONS 9.04.030 (D), AND 9.146.120 RELATING TO EMERGENCY SHELTERS AND TRANSITIONAL AND SUPPORTIVE HOUSING. 2. Adopted Ordinance No. 252.

- *9. AWARD OF CONTRACT FOR SALES TAX AND PROPERTY TAX AUDIT AND REPORTING SERVICES submitted by Director of Finance/City Treasurer.

ACTION: The City Council: 1. Approved the selection of Hinderliter de Llamas and Associates ("HdL") for Sales Tax and Property Tax Audit and Reporting Services and HdL Coren & Cone for Property Tax Services. 2. Authorized the Mayor to sign, and the City Clerk attest, the agreement with Hinderliter de Llamas and Associates for Sales Tax Services and the agreement with HdL Coren & Cone for Property Tax Services.

- *10. AWARD OF CONTRACT FOR BANKING SERVICES submitted by Director of Finance/City Treasurer.

ACTION: The City Council: 1. Approved the selection of U.S. Bank to provide banking services. 2. Authorized the Mayor to sign, and the City Clerk attest, the agreement with U.S. Bank.

- *11. FIRST AMENDMENT TO AGREEMENT WITH ANDERSONPENNA PARTNERS, INC., FOR GENERAL ENGINEERING SERVICES submitted by Director of Public Works/City Engineer.

ACTION: The City Council: 1. Approved the First Amendment to the Agreement with AndersonPenna Partners, Inc., ("AndersonPenna") for General Engineering Services. 2. Authorized the Mayor to execute, and City Clerk to attest, the First Amendment to the Agreement with AndersonPenna.

- *12. SECOND AMENDMENT TO AGREEMENT WITH RBF CONSULTING FOR CONTRACT ADMINISTRATION AND CONSTRUCTION INSPECTION SERVICES submitted by Director of Public Works/City Engineer.

ACTION: The City Council: 1. Approved the Second Amendment to the Agreement with RBF Consulting for Contract Administration and Construction Inspection Services. 2. Authorized the Mayor to execute, and City Clerk to attest, the Second Amendment to the Agreement with RBF Consulting.

- *13. CONSTRUCTION CONTRACT AWARD FOR RIMGATE-TAMARISK PARK IMPROVEMENTS submitted by Director of Public Works/City Engineer.

ACTION: The City Council: 1. Awarded a contract in the amount of \$2,069,859.50 to Lehman Construction, Inc., of Tustin, California, for the construction of the Rimgate and Tamarisk Park Improvement Project. 2. Upon receipt of the executed contract documents from Lehman Construction, rejected all other bids received and authorized return of the bid bonds. 3. Authorized the Mayor to sign, and City Clerk to attest, the contract with Lehman Construction, Inc. 4. Authorized the City Manager to approve contract change orders up to a maximum of ten percent of the contract amount.

- *14. CONSTRUCTION CONTRACT AWARD FOR ADA ACCESS RAMP IMPROVEMENTS-PHASE VI (PW 2011.03) submitted by Director of Public Works/City Engineer.

ACTION: The City Council: 1. Awarded a contract in the amount of \$117,752.50 to Mora's Equipment and Construction for construction of the ADA Access Ramp Improvements-Phase VI (PW 2011.03) project. 2. Rejected all other bids received and authorized return of the bid bonds upon receipt of the executed contract documents from Mora's Equipment and Construction. 3. Authorized the Mayor to sign, and the City Clerk to attest the contract with Mora's Equipment and Construction. 4. Authorized the City Manager to approve contract change orders up to a maximum ten percent of the contract amount. MOTION CARRIED with Mayor Voigts abstained.

PULLED CONSENT CALENDAR ITEMS:

7. MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL HELD ON JUNE 4, 2013, submitted by City Clerk.

Mayor Pro Tem McCullough pulled this item for separate consideration. She asked for reconsideration and recall of No. 1 and 4 of Item No. 10's motion. No. 1 stated "Authorization to Solicit Request for Proposals for Solid Waste Collection Services was amended to remove the no-contact clause." She asked for this to be reconsidered. Additionally, she requested No. 4 which stated "Provided for Council at their discretion to host a workshop to meet with all potential providers" of the motion be recalled for reconsideration of the workshop meetings with potential candidates.

City Attorney Smith stated it was proper to ask for the recall of the two items in the motion for reconsideration.

MOTION: On motion by Mayor Pro Tem McCullough and second by Council Member Robinson, the City Council approved the reconsideration of Agenda Item No. 7, Motion Item No. 1 and No. 4, and approved the Minutes as submitted. MOTION UNANIMOUSLY CARRIED.

15. A RESOLUTION FOR ORANGE COUNTY TRANSPORTATION AUTHORITY GRANT FUNDING UNDER THE ENVIRONMENTAL CLEANUP PROGRAM submitted by Director of Public Works/City Engineer.

Council Member Herzog pulled this item for separate consideration. He recommended staff closely monitor the State Water Board's requirements for screening and retainers to ensure the funding from the application is consistent with State requirements.

MOTION: On motion by Council Member Herzog and second by Mayor Pro Tem McCullough, the City Council: 1. Approved Resolution No. 2013-15 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, AUTHORIZING AN APPLICATION FOR FUNDS FOR THE ENVIRONMENTAL CLEANUP, TIER 1 GRANT PROGRAM UNDER ORANGE COUNTY LOCAL TRANSPORTATION ORDINANCE NO. 3 FOR CATCH BASIN AUTOMATIC RETRACTABLE SCREEN RETROFIT (PHASE 3) PROJECT. 2. Authorized the Mayor to sign and the City Clerk to send a certified copy of the resolution to the Orange County Transportation Authority. 3. Authorized the Director of Public Works/City Engineer to complete and submit the necessary CTFP Funding Application forms to the OCTA for the project identified in the resolution.

DISCUSSION/ACTION ITEMS:

16. AWARD OF INFORMATION TECHNOLOGY SUPPORT SERVICES CONTRACT submitted by Deputy City Manager/Director of Management Services.

City Manager Dunek introduced the agenda item. He noted this item was continued from the June 18, 2013 meeting.

Deputy City Manager Rose introduced the staff report dated July 2, 2013 and provided a summary of the Scope of Work (SOW). She noted the SOW did not include new services; it is primarily a maintenance contract. She reported of the 3 proposals the City received, the two which scored highest were moved forward to the interview round.

Mayor Voigts suggested limiting both SIGMANet and Synoptek representatives to a total of eight minutes for public comments before Council.

The following members of the public offered comments:

Mr. Paul Edge, Vice President Professional Services of SIGMANet, spoke on behalf of the company. He summarized the company's ability to provide a business plan with a \$10,000 monthly reduction over the current model. He noted this is a maintenance and solution contract. He reminded Council SIGMANet is a local company introducing a \$300,000 savings over the course of the agreement.

Rick Schafer, Executive Vice President of Sales of SIGMANet, addressed the value of SIGMANet's competitive bid.

Mr. Steve Monteros, Executive Vice President of Operations of SIGMANet, addressed the various agencies SIGMANet serves.

Mr. Eric Cordoniz, Chief Technology Officer of Synoptek, thanked Council for their deliberation. He addressed Synoptek's experience and value. He stated the RFP was not as competitive as it should have been and recommended the City rescind the RFP and go back out to bid.

Mr. Tim Britt, President of Synoptek, reviewed the current contract and suggested there is a need for competition. In review of the varied scope of work items, he suggested Synoptek pricing is competitive and lower overall. He asked for Council to consider rebidding the RFP.

Council Member Herzog asked if the current contract has a 16 hour breakpoint after which additional project costs are charged.

Deputy City Manager Rose stated the current contract does not have a 16 hour breakpoint. It is based on the resource allocation. The work was based on hours and at times the city would have to create an extra contract. She reported the city would have better control over project expenditures using a fixed cost contract.

Council Member Robinson thanked staff for the information provided. He stated he would have liked to have seen more companies from Lake Forest as part of the bidding process.

Mayor Pro Tem McCullough thanked Synoptek and SIGMAnet for their patience in having to return before Council. After review of the two companies she moved staff's recommendation. Motion failed for lack of second.

Mayor Voigts thanked both Synoptek and SIGMAnet for their proposals. He asked for clarification as to how many times Synoptek provided extras, or additional contracts which were out of the scope of work.

Deputy City Manager Rose stated Synoptek bid 1,200 hours which were not in the scope of work of the current proposed contract.

Mayor Voigts asked why out of thirty-one firms, the City received only three proposals. He asked if staff is confident SIGMAnet can fulfill the contract?

Deputy City Manager Rose reviewed the RFP process and stated staff is comfortable with the recommendation.

Mayor Voigts moved staff's recommendation. Council Member Robinson seconded the motion.

Mayor Voigts called for the vote.

MOTION: On motion by Mayor Voigts and second by Council Member Robinson, the City Council: 1. Approved the selection of SIGMAnet Inc. for Information Technology Support Services. 2. Authorized the Mayor to execute an agreement with SIGMAnet, Inc., substantially in the form attached. MOTION UNANIMOUSLY CARRIED.

17. SIX MONTH REVIEW OF COUNCIL POLICY REGARDING CONSENSUS FOR ADDING ITEMS TO THE COUNCIL AGENDA submitted by City Clerk.

City Manager Dunek introduced the staff report dated July 2, 2013.

Council Member Nick thanked staff for the report. He recommended continuing the process of adding discussion items to the agenda with the recommendation of two Council Members.

MOTION: On motion by Council Member Nick and second by Council Member Robinson, the City Council reviewed and approved the selection of discussion items to the agenda by recommendation of two Council Members as policy. MOTION UNANIMOUSLY CARRIED.

18. ESTABLISHMENT OF TERM LIMITS FOR CITY COUNCIL MEMBERS submitted by City Attorney.

City Attorney Smith introduced the staff report dated July 2, 2013. He summarized that the Resolution before Council instructs City Attorney and City Clerk to forward the Ordinance under consideration to the Registrar of Voters for consideration by the electorate of the City of Lake Forest at the General Election to be held in November 2014. The proposed Ordinance recommends a 12 year term limit with a two year absence, and if approved by voters, is effective with Council Member terms beginning concurrently in 2014.

The following members of the public offered comments:

Marcia Rudolph, Lake Forest resident, stated she is opposed to term limits.

Jim Gardner, Lake Forest resident, stated he favors term limits but does not agree with the proposed limits as they are not sufficient.

Council Member Herzog addressed the proposed limits and suggested they do not accomplish the goal. He referenced other cities where there is no revolving door for Council Members to return. He recommended complete term limits after eight years of service.

Mayor Voigts moved to accept staff recommendation and have it commence in 2014. Council Member Nick seconded the motion.

Council Member Nick stated he supported a limit of eight years of service but didn't believe it would be adopted by this Council.

Council discussion continued.

Council Member Robinson stated he supports the resolution because it limits the power of incumbency but also allows for people to serve for as long as they might want to. He stated he supports term limits.

Council Member Herzog moved to limit the term to eight years. Motion failed for lack of second.

Council Member Nick asked City Attorney Smith what is the cost for the term limit initiative?

City Attorney Smith stated it is estimated at \$8,500.

Council discussion continued.

SUBSTITUE MOTION: On motion by Council Member Herzog and second by Council Member Nick, the City Council requested a resolution for two four-year terms, a total of eight year term limit with a permanent ban. **MOTION FAILED** with Mayor Voigts, Mayor

Pro Tem McCullough and Council Member Robinson opposed.

Council discussion continued.

Mayor Voigts called for the vote.

MOTION: On motion by Mayor Voigts and second by Council Member Nick, the City Council adopted Resolution No. 2013-16 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, CALLING AND GIVING NOTICE OF A REGULAR ELECTION TO BE HELD NOVEMBER 4, 2014; REQUESTING THE COUNTY CONSOLIDATE AND CONDUCT THE ELECTION; AND PLACING THE MEASURE ON THE BALLOT FOR THE ADOPTION OF AN ORDINANCE TO ESTABLISH TERM LIMITS FOR CITY COUNCIL MEMBERS SERVING THE CITY OF LAKE FOREST. MOTION CARRIED with Council Member Herzog opposed.

RECESS: The City Council recessed at 9:21 p.m.

RECONVENE: The City Council reconvened at 9:28 p.m. with all Members present.

19. PROCESS TO PROVIDE FOR DIRECTLY ELECTED MAYOR submitted by City Attorney.

Mayor Pro Tem McCullough stated she originally brought this item forward for Council discussion and review and elected to remove it from discussion. The agenda item was removed.

20. SELECTION OF DELEGATES TO THE LEAGUE OF CALIFORNIA CITIES CONFERENCE, SEPTEMBER 18-20, 2013 submitted by City Clerk.

City Clerk Smith introduced the staff report dated July 2, 2013.

Council discussion ensued.

MOTION: On motion by Council Member Nick and second by Mayor Voigts, the City Council selected Mayor Pro Tem McCullough as primary delegate with Mayor Voigts as alternate to the League of California Cities Conference 2013. MOTION UNANIMOUSLY CARRIED.

21. LEGISLATIVE AND REGULATORY MATTERS submitted by City Manager.

Staff report dated July 2, 2013 was introduced.

MOTION: On motion by Council Member Herzog and second by Mayor Voigts, the City Council received and filed the report as submitted. MOTION UNANIMOUSLY CARRIED.

22. REQUEST FOR APPOINTMENT - LEAGUE OF CALIFORNIA CITIES, ASSOCIATION OF CALIFORNIA CITIES, ORANGE COUNTY AND/OR THE ORANGE COUNTY CITY SELECTION COMMITTEE submitted by City Clerk.

ACTION: The City Council made no appointments.

CITY MANAGER'S REPORT:

City Manager Dunek presented no comments.

CITY COUNCIL COMMENTS:

Council Member Herzog offered no comments.

Council Member Nick thanked City Manager, City Attorney and staff for their assistance and support. He congratulated Mr. Martin Henderson for his online "Journalist of the Year" recognition.

Council Member Robinson offered no comments.

Mayor Pro Tem McCullough reported attending the Orange County Housing Authority Homeless Coalition and the Orange County Fire Authority Board meeting. She asked to adjourn the meeting in memory of Rick Goacher, a former Planning Commissioner of the City of Lake Forest. She also asked that everyone remember the families of the Granite Mountain wildfire crew who perished in Arizona in the Yarnell Hill fire.

Mayor Voigts reported attending the Association of California Cities-Orange County Golden Hub of Innovation Awards and wished everyone a Happy 4th of July.

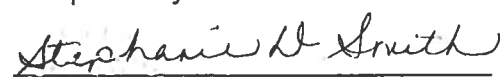
CONTINUED CLOSED SESSION:

There was no continued Closed Session.

ADJOURNMENT:

The City Council of the City of Lake Forest adjourned at 9:40 p.m. in memory of Mr. Richard Kent Goacher, the first appointed Planning Commissioner of the City of Lake Forest, who passed June 22, 2013. As Chair he played a pivotal role in the development of the City's vision, plans and governing documents. His career led him to serve other cities in their development and ultimately a position on the Orange County Planning Commission.

Respectfully submitted:


STEPHANIE D. SMITH, CMC
CITY CLERK

APPROVED:


SCOTT VOIGTS
MAYOR